

Introduced by Senator TorlaksonFebruary 4, 2002

An act to amend Sections 77201 and 77201.1 of the Government Code, relating to trial court funding.

LEGISLATIVE COUNSEL'S DIGEST

SB 1343, as introduced, Torlakson. Trial court funding.

The Brown-Presley Trial Court Funding Act provides for the remittance to the state by the counties of specified amounts based on fine and forfeiture revenue remitted to the state in the 1994-95 fiscal year, for purposes of trial court funding.

This bill would revise the amounts to be remitted to the state by Contra Costa County pursuant to these provisions, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the
2 following:
3 (a) The Lockyer-Isenberg Trial Court Funding Act of 1997
4 (Chapter 850 of the Statutes of 1997) provided for assumption by
5 the state of trial court operation costs and capped the counties'
6 future contributions to trial court funding.
7 (b) Paragraph (2) of subdivision (a) of Section 77201 of the
8 Government Code requires counties to pay to the state an amount
9 representing the amount a county remitted to the state in fine,
10 penalty, and forfeiture revenues during the 1994-95 fiscal year.



1 (c) The amount of these required remittances were calculated
2 for each county by the state.

3 (d) The state's calculation of revenue figures for Contra Costa
4 County understates what the county actually owed. While the
5 county informed the state of error, the state chose not to make any
6 changes to the schedule of remittances.

7 (e) The state also mistakenly overestimated revenue
8 requirements for Del Norte County.

9 (f) Since the establishment of its revenue maintenance of
10 effort, Contra Costa County has remitted its revenue maintenance
11 of effort faithfully in accordance with the Trial Court Funding Act.

12 (g) Chapter 671 of the Statutes of 2000 retroactively reduced
13 Del Norte County's revenue maintenance of effort requirement.
14 Furthermore, in order to maintain a revenue neutral impact on state
15 funds, that statute increased Contra Costa County's revenue
16 requirement by an amount equal to Del Norte County's reduction.

17 (h) Contra Costa County does not dispute the new revenue
18 maintenance of effort amount fine and forfeiture of six million one
19 hundred thirty-eight thousand seven hundred forty-two dollars
20 (\$6,138,742), since it more closely approximates the county's
21 original revenue estimate.

22 (i) Chapter 671 of the Statutes of 2000 further included a
23 retroactivity clause for Contra Costa County, which would
24 obligate the Contra Costa County to an estimated revenue payment
25 amount of between seven hundred forty-two thousand dollars
26 (\$742,000) and eight hundred eighty-five thousand dollars
27 (\$885,000).

28 (j) This retroactive payment requirement was established
29 despite the express statement in the Trial Court Funding Act,
30 embodied in paragraph (3) of subdivision (b) of Section 77201 of
31 the Government Code, that apart from the appeal process provided
32 in the law, the time period for which has passed, "county
33 remittances shall not be increased in subsequent years."

34 (k) Contra Costa County should not be retroactively penalized
35 for a state calculation error in establishing the county's revenue
36 maintenance of effort.

37 SEC. 2. Section 77201 of the Government Code is amended
38 to read:

39 77201. (a) Commencing on July 1, 1997, no county shall be
40 responsible for funding court operations, as defined in Section

1 77003 and Rule 810 of the California Rules of Court as it read on
2 July 1, 1996.

3 (b) In the 1997–98 fiscal year, each county shall remit to the
4 state in installments due on January 1, April 1, and June 30, the
5 amounts specified in paragraphs (1) and (2), as follows:

6 (1) Except as otherwise specifically provided in this section,
7 each county shall remit to the state the amount listed below which
8 is based on an amount expended by the respective county for court
9 operations during the 1994–95 fiscal year:

10		
11	Jurisdiction	Amount
12	Alameda	\$ 42,045,093
13	Alpine	46,044
14	Amador	900,196
15	Butte	2,604,611
16	Calaveras	420,893
17	Colusa	309,009
18	Contra Costa	21,634,450
19	Del Norte	780,786
20	El Dorado	3,888,927
21	Fresno	13,355,025
22	Glenn	371,607
23	Humboldt	2,437,196
24	Imperial	2,055,173
25	Inyo	546,508
26	Kern	16,669,917
27	Kings	2,594,901
28	Lake	975,311
29	Lassen	517,921
30	Los Angeles	291,872,379
31	Madera	1,242,968
32	Marin	6,837,518
33	Mariposa	177,880
34	Mendocino	1,739,605
35	Merced	1,363,409
36	Modoc	114,249
37	Mono	271,021
38	Monterey	5,739,655
39	Napa	2,866,986
40	Nevada	815,130



1	Orange	76,567,372
2	Placer	6,450,175
3	Plumas	413,368
4	Riverside	32,524,412
5	Sacramento	40,692,954
6	San Benito	460,552
7	San Bernardino	31,516,134
8	San Diego	77,637,904
9	San Francisco	31,142,353
10	San Joaquin	9,102,834
11	San Luis Obispo	6,840,067
12	San Mateo	20,383,643
13	Santa Barbara	10,604,431
14	Santa Clara	49,876,177
15	Santa Cruz	6,449,104
16	Shasta	3,369,017
17	Sierra	40,477
18	Siskiyou	478,144
19	Solano	10,780,179
20	Sonoma	9,273,174
21	Stanislaus	8,320,727
22	Sutter	1,718,287
23	Tehama	1,352,370
24	Trinity	620,990
25	Tulare	6,981,681
26	Tuolumne	1,080,723
27	Ventura	16,721,157
28	Yolo	2,564,985
29	Yuba	842,240

30

31 (2) Except as otherwise specifically provided in this section,
32 each county shall also remit to the state the amount listed below
33 which is based on an amount of fine and forfeiture revenue
34 remitted to the state pursuant to Sections 27361 and 76000 of this
35 code, Sections 1463.001 and 1464 of the Penal Code, and Sections
36 42007, 42007.1, and 42008 of the Vehicle Code during the
37 1994–95 fiscal year:

38

1	Jurisdiction	Amount
2	Alameda	\$12,769,882
3	Alpine	58,757
4	Amador	377,005
5	Butte	1,437,671
6	Calaveras	418,558
7	Colusa	485,040
8	Contra Costa	6,138,742
9		5,646,329
10	Del Norte	235,438
11	El Dorado	1,217,093
12	Fresno	4,505,786
13	Glenn	455,389
14	Humboldt	1,161,745
15	Imperial	1,350,760
16	Inyo	878,321
17	Kern	6,688,247
18	Kings	1,115,601
19	Lake	424,070
20	Lassen	513,445
21	Los Angeles	89,771,310
22	Madera	1,207,998
23	Marin	2,700,045
24	Mariposa	135,457
25	Mendocino	948,837
26	Merced	2,093,355
27	Modoc	122,156
28	Mono	415,136
29	Monterey	3,855,457
30	Napa	874,219
31	Nevada	1,378,796
32	Orange	24,830,542
33	Placer	2,182,230
34	Plumas	225,080
35	Riverside	13,328,445
36	Sacramento	7,548,829
37	San Benito	346,451
38	San Bernardino	11,694,120
39	San Diego	21,410,586



1	San Francisco	5,925,950
2	San Joaquin	4,753,688
3	San Luis Obispo	2,573,968
4	San Mateo	7,124,638
5	Santa Barbara	4,094,288
6	Santa Clara	15,561,983
7	Santa Cruz	2,267,327
8	Shasta	1,198,773
9	Sierra	46,778
10	Siskiyou	801,329
11	Solano	3,757,059
12	Sonoma	2,851,883
13	Stanislaus	2,669,045
14	Sutter	802,574
15	Tehama	761,188
16	Trinity	137,087
17	Tulare	2,299,167
18	Tuolumne	440,496
19	Ventura	6,129,411
20	Yolo	1,516,065
21	Yuba	402,077

22

23 (3) The installment due on January 1 shall be for 25 percent of
 24 the amounts specified in paragraphs (1) and (2). The installments
 25 due on April 1 and June 30 shall be prorated uniformly to reflect
 26 any adjustments made by the Department of Finance, as provided
 27 in this section. If no adjustment is made by April 1, 1998, the April
 28 1, 1998, installment shall be for 15 percent of the amounts
 29 specified in paragraphs (1) and (2). If no adjustment is made by
 30 June 30, 1998, the June 30, 1998, installment shall be for the
 31 balance of the amounts specified in paragraphs (1) and (2).

32 (4) Except as otherwise specifically provided in this section,
 33 county remittances specified in paragraphs (1) and (2) shall not be
 34 increased in subsequent years.

35 (5) Any change in statute or rule of court that either reduces the
 36 bail schedule or redirects or reduces a county's portion of fee, fine,
 37 and forfeiture revenue to an amount that is less than (A) the fees,
 38 fines, and forfeitures retained by that county and (B) the county's
 39 portion of fines and forfeitures transmitted to the state in the
 40 1994–95 fiscal year, shall reduce that county's remittance

1 specified in paragraph (2) of this subdivision by an equal amount.
2 Nothing in this paragraph is intended to limit judicial sentencing
3 discretion.

4 (c) The Department of Finance shall adjust the amount
5 specified in paragraph (1) of subdivision (b) that a county is
6 required to submit to the state, pursuant to the following:

7 (1) A county shall submit a declaration to the Department of
8 Finance, no later than February 15, 1998, that the amount it is
9 required to submit to the state pursuant to paragraph (1) of
10 subdivision (b) either includes or does not include the costs for
11 local judicial benefits which are court operation costs as defined
12 in Section 77003 and Rule 810 of the California Rules of Court.
13 The trial courts in a county that submits such a declaration shall be
14 given a copy of the declaration and the opportunity to comment on
15 the validity of the statements in the declaration. The Department
16 of Finance shall verify the facts in the county's declaration and
17 comments, if any. Upon verification that the amount the county is
18 required to submit to the state includes the costs of local judicial
19 benefits, the department shall reduce on or before June 30, 1998,
20 the amount the county is required to submit to the state pursuant
21 to paragraph (1) of subdivision (b) by an amount equal to the cost
22 of those judicial benefits, in which case the county shall continue
23 to be responsible for the cost of those benefits. If a county
24 disagrees with the Department of Finance's failure to verify the
25 facts in the county's declaration and reduce the amount the county
26 is required to submit to the state pursuant to paragraph (1) of
27 subdivision (b), the county may request that the Controller conduct
28 an audit to verify the facts in the county's declaration. The
29 Controller shall conduct the requested audit which shall be at the
30 requesting county's expense. If the Controller's audit verifies the
31 facts in the county's declaration, the department shall reduce the
32 amount the county is required to submit to the state pursuant to
33 paragraph (1) of subdivision (b) by an amount equal to the amount
34 verified by the Controller's audit and the state shall reimburse the
35 requesting county for the cost of the audit.

36 (d) The Department of Finance shall adjust the amount
37 specified in paragraph (1) of subdivision (b) of Section 77201.1
38 that a county is required to submit to the state, pursuant to the
39 following procedures:

1 (1) A county may submit a declaration to the Department of
2 Finance, no later than February 15, 1998, that declares that (A) the
3 county incorrectly reported county costs as court operations costs
4 as defined in Section 77003 in the 1994–95 fiscal year, and that
5 incorrect report resulted in the amount the county is required to
6 submit to the state pursuant to paragraph (1) of subdivision (b)
7 being too high, (B) the amount the county is required to submit to
8 the state pursuant to paragraph (1) of subdivision (b) includes
9 amounts that were specifically appropriated, funded, and
10 expended by a county or city and county during the 1994–95 fiscal
11 year to fund extraordinary one-time expenditures for court
12 operation costs, or (C) the amount the county is required to submit
13 to the state pursuant to paragraph (1) of subdivision (b) includes
14 expenses that were funded from grants or subventions from any
15 source, for court operation costs that could not have been funded
16 without those grants or subventions being available. A county
17 submitting that declaration shall concurrently transmit a copy of
18 the declaration to the trial courts of that county. The trial courts in
19 a county that submits that declaration shall have the opportunity
20 to comment to the Department of Finance on the validity of the
21 statements in the declaration. Upon receipt of the declaration and
22 comments, if any, the Department of Finance shall determine and
23 certify which costs identified in the county’s declaration were
24 incorrectly reported as court operation costs or were expended for
25 extraordinary one-time expenditures or funded from grants or
26 subventions in the 1994–95 fiscal year. The Department of
27 Finance shall reduce the amount a county must submit to the state
28 pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by
29 an amount equal to the amount the department certifies was
30 incorrectly reported as court operations costs or were expended for
31 extraordinary one-time expense or funded from grants or
32 subventions in the 1994–95 fiscal year. If a county disagrees with
33 the Department of Finance’s failure to verify the facts in the
34 county’s declaration and reduce the amount the county is required
35 to submit to the state pursuant to paragraph (1) of subdivision (b)
36 of Section 77201.1, the county may request that the Controller
37 conduct an audit to verify the facts in the county’s declaration. The
38 Controller shall conduct the requested audit, which shall be at the
39 requesting county’s expense. If the Controller’s audit verifies the
40 facts in the county’s declaration, the department shall reduce the

amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount verified by the Controller's audit and the state shall reimburse the requesting county for the cost of the audit. A county shall provide, at no charge to the court, any service for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was adjusted downward, if the county is required to provide that service at no cost to the court by any other provision of law.

(2) A court may submit a declaration to the Department of Finance, no later than February 15, 1998, that the county failed to report county costs as court operations costs as defined in Section 77003 in the 1994–95 fiscal year, and that this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. A court submitting that declaration shall concurrently transmit a copy of the declaration to the county. A county shall have the opportunity to comment to the Department of Finance on the validity of statements in the declaration and comments, if any. Upon receipt of the declaration, the Department of Finance shall determine and certify which costs identified in the court's declaration should have been reported by the county as court operation costs in the 1994–95 fiscal year and whether this failure resulted in the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) being too low. The Department of Finance shall notify the county, the trial courts in the county, and the Judicial Council of its certification and decision. Within 30 days, the county shall either notify the Department of Finance, trial courts in the county, and the Judicial Council that the county shall assume responsibility for the costs the county has failed to report, or that the department shall increase the amount the county is required to submit to the state pursuant to paragraph (1) of subdivision (b) of Section 77201.1 by an amount equal to the amount certified by the department. A county shall not be required to continue to provide services for which the amount in paragraph (1) of subdivision (b) of Section 77201.1 was adjusted upward.

(e) The Legislature hereby finds and declares that to ensure an orderly transition to state trial court funding, it is necessary to delay the adjustments to county obligation payments provided for by Article 3 (commencing with Section 77200) of Chapter 13 of

1 Title 8, as added by Chapter 850 of the Statutes of 1997, until the
2 1998–99 fiscal year. The Legislature also finds and declares that
3 since increase adjustments to the county obligation amounts will
4 not take effect in the 1997–98 fiscal year, county charges for those
5 services related to the increase adjustments shall not occur in the
6 1997–98 fiscal year. It is recognized that the counties have an
7 obligation to provide, and the trial courts have an obligation to pay,
8 for services provided by the county pursuant to Section 77212. In
9 the 1997–98 fiscal year, the counties shall charge for, and the
10 courts shall pay, these obligations consistent with paragraphs (1)
11 and (2) of this subdivision.

12 (1) For the 1997–98 fiscal year, a county shall reduce the
13 charges to a court for those services for which the amount in
14 paragraph (1) of subdivision (b) of Section 77201.1 is adjusted
15 upward, by an amount equal to the lesser of the following:

16 (A) The amount of the increase adjustment certified by the
17 department pursuant to paragraph (2) of subdivision (d).

18 (B) The difference between the actual amount charged and paid
19 for from the trial court operations fund, and the amount charged
20 in the 1994–95 fiscal year.

21 (2) For the 1997–98 fiscal year, any funds paid out of the trial
22 court operations fund established pursuant to Section 77009
23 during the 1997–98 fiscal year to pay for those services for which
24 there was an upward adjustment, shall be returned to the trial court
25 operations fund in the amount equal to the lesser of the following:

26 (A) The amount of the increase adjustment certified by the
27 department pursuant to paragraph (2) of subdivision (d).

28 (B) The difference between the actual amount charged and paid
29 for from the trial court operations fund, and the amount charged
30 in the 1994–95 fiscal year.

31 (3) The Judicial Council shall reduce the allocation to the
32 courts by an amount equal to the amount of any increase
33 adjustment certified by the Department of Finance, if the cost of
34 those services was used in determining the Judicial Council's
35 allocation of funding for the 1997–98 fiscal year.

36 (4) In the event the charges are not reduced as provided in
37 paragraph (1) or the funds are not returned to the trial court
38 operations fund as provided in paragraph (2), the trial court
39 operations fund shall be refunded for the 1998–99 fiscal year.
40 Funds provided to the trial court operations fund pursuant to this

paragraph shall be available to the trial courts to meet financial obligations incurred during the 1997–98 fiscal year. To the extent that a trial court receives total resources for trial court funding from the county and the state for the 1997–98 fiscal year that exceeded the amount of the allocation approved by the Judicial Council by November 30, 1997, these amounts shall be available for expenditure in the 1998–99 fiscal year and the Judicial Council shall reduce the 1998–99 fiscal year allocation of the court by an equal amount.

(f) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(g) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(h) The Department of Finance shall notify the county, trial courts in the county, and Judicial Council of the final decision and resulting adjustment.

(i) On or before February 15, 1998, each county shall submit to the Department of Finance a report of the amount it expended for trial court operations as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996, between the start of the 1997–98 fiscal year and the effective date of this section. The department shall reduce the amount a county is required to remit to the state pursuant to paragraph (1) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount a county expended for court operation costs between the start of the 1997–98 fiscal year and the effective date of this section. The department shall also reduce the amount a county is required to remit to the state pursuant to paragraph (2) of subdivision (b) in the 1997–98 fiscal year by an amount equal to the amount of fine and forfeiture revenue that a county remitted to the state between the start of the 1997–98 fiscal year and the effective date of this section. The department shall notify the county, the trial courts of the county, and the Judicial Council of the amount it has reduced a county’s obligation to remit to the state pursuant to this subdivision.

1 SEC. 3. Section 77201.1 of the Government Code is amended
2 to read:

3 77201.1. (a) Commencing on July 1, 1997, no county shall
4 be responsible for funding court operations, as defined in Section
5 77003 and Rule 810 of the California Rules of Court as it read on
6 July 1, 1996.

7 (b) Commencing in the 1999–2000 fiscal year, and each fiscal
8 year thereafter, each county shall remit to the state in four equal
9 installments due on October 1, January 1, April 1, and May 1, the
10 amounts specified in paragraphs (1) ~~and~~, (2), *and* 3, as follows:

11 (1) Except as otherwise specifically provided in this section,
12 each county shall remit to the state the amount listed below which
13 is based on an amount expended by the respective county for court
14 operations during the 1994–95 fiscal year:

15		
16	Jurisdiction	Amount
17	Alameda	\$ 22,509,905
18	Alpine	—
19	Amador	—
20	Butte	—
21	Calaveras	—
22	Colusa	—
23	Contra Costa	11,974,535
24	Del Norte	—
25	El Dorado	—
26	Fresno	11,222,780
27	Glenn	—
28	Humboldt	—
29	Imperial	—
30	Inyo	—
31	Kern	9,234,511
32	Kings	—
33	Lake	—
34	Lassen	—
35	Los Angeles	175,330,647
36	Madera	—
37	Marin	—
38	Mariposa	—
39	Mendocino	—
40	Merced	—

1	Modoc	—
2	Mono	—
3	Monterey	4,520,911
4	Napa	—
5	Nevada	—
6	Orange	38,846,003
7	Placer	—
8	Plumas	—
9	Riverside	17,857,241
10	Sacramento	20,733,264
11	San Benito	—
12	San Bernardino	20,227,102
13	San Diego	43,495,932
14	San Francisco	19,295,303
15	San Joaquin	6,543,068
16	San Luis Obispo	—
17	San Mateo	12,181,079
18	Santa Barbara	6,764,792
19	Santa Clara	28,689,450
20	Santa Cruz	—
21	Shasta	—
22	Sierra	—
23	Siskiyou	—
24	Solano	6,242,661
25	Sonoma	6,162,466
26	Stanislaus	3,506,297
27	Sutter	—
28	Tehama	—
29	Trinity	—
30	Tulare	—
31	Tuolumne	—
32	Ventura	9,734,190
33	Yolo	—
34	Yuba	—

35
 36 (2) Except as otherwise specifically provided in this section,
 37 each county shall also remit to the state the amount listed below
 38 which is based on an amount of fine and forfeiture revenue
 39 remitted to the state pursuant to Sections 27361 and 76000 of this
 40 code, Sections 1463.001, 1463.07, and 1464 of the Penal Code,



1 and Sections 42007, 42007.1, and 42008 of the Vehicle Code
2 during the 1994–95 fiscal year:

3		
4	Jurisdiction	Amount
5	Alameda	\$ 9,912,156
6	Alpine	58,757
7	Amador	265,707
8	Butte	1,217,052
9	Calaveras	310,331
10	Colusa	397,468
11	Contra Costa	4,486,486
12	Del Norte	124,085
13	El Dorado	1,028,349
14	Fresno	3,695,633
15	Glenn	360,974
16	Humboldt	1,025,583
17	Imperial	1,144,661
18	Inyo	614,920
19	Kern	5,530,972
20	Kings	982,208
21	Lake	375,570
22	Lassen	430,163
23	Los Angeles	71,002,129
24	Madera	1,042,797
25	Marin	2,111,712
26	Mariposa	135,457
27	Mendocino	717,075
28	Merced	1,733,156
29	Modoc	104,729
30	Mono	415,136
31	Monterey	3,330,125
32	Napa	719,168
33	Nevada	1,220,686
34	Orange	19,572,810
35	Placer	1,243,754
36	Plumas	193,772
37	Riverside	7,681,744
38	Sacramento	5,937,204
39	San Benito	302,324

1	San Bernardino	8,163,193
2	San Diego	16,166,735
3	San Francisco	4,046,107
4	San Joaquin	3,562,835
5	San Luis Obispo	2,036,515
6	San Mateo	4,831,497
7	Santa Barbara	3,277,610
8	Santa Clara	11,597,583
9	Santa Cruz	1,902,096
10	Shasta	1,044,700
11	Sierra	42,533
12	Siskiyou	615,581
13	Solano	2,708,758
14	Sonoma	2,316,999
15	Stanislaus	1,855,169
16	Sutter	678,681
17	Tehama	640,303
18	Trinity	137,087
19	Tulare	1,840,422
20	Tuolumne	361,665
21	Ventura	4,575,349
22	Yolo	880,798
23	Yuba	289,325

24
 25 (3) *For the 1999–2000 fiscal year and the 2000–01 fiscal year,*
 26 *the annual amount of fine and forfeiture revenue that Contra Costa*
 27 *County shall remit pursuant to paragraph (2) is four million one*
 28 *hundred sixty-eight thousand one hundred ninety-four dollars*
 29 *(\$4,168,194). Commencing in the 2001–02 fiscal year, Contra*
 30 *Costa County shall remit the annual amount of fine and forfeiture*
 31 *revenue specified in paragraph (2).*

32 (4) Except as otherwise specifically provided in this section,
 33 county remittances specified in paragraphs (1)–~~and~~, (2), and (3)
 34 shall not be increased in subsequent years.

35 ~~(4)~~

36 (5) Except for those counties with a population of 70,000, or
 37 less, on January 1, 1996, the amount a county is required to remit
 38 pursuant to paragraph (1) shall be adjusted by the amount equal to
 39 any adjustment resulting from the procedures in subdivisions (c)
 40 and (d) of Section 77201 as that section read on June 30, 1998, to



1 the extent a county filed an appeal with the Controller with respect
2 to the findings made by the Department of Finance. This paragraph
3 shall not be construed to establish a new appeal process beyond
4 what was provided by Section 77201, as that section read on June
5 30, 1998.

6 ~~(5)~~

7 (6) Any change in statute or rule of court that either reduces the
8 bail schedule or redirects or reduces a county's portion of fee, fine,
9 and forfeiture revenue to an amount that is less than (A) the fees,
10 fines, and forfeitures retained by that county, and (B) the county's
11 portion of fines and forfeitures transmitted to the state in the
12 1994–95 fiscal year, shall reduce that county's remittance
13 specified in paragraph (2) of this subdivision by an equal amount.
14 Nothing in this paragraph is intended to limit judicial sentencing
15 discretion.

16 (c) Nothing in this section is intended to relieve a county of the
17 responsibility to provide necessary and suitable court facilities
18 pursuant to Section 68073.

19 (d) Nothing in this section is intended to relieve a county of the
20 responsibility for justice-related expenses not included in Section
21 77003 which are otherwise required of the county by law,
22 including, but not limited to, indigent defense representation and
23 investigation, and payment of youth authority charges.

24 (e) County base year remittance requirements specified in
25 paragraph (2) of subdivision (b) incorporate specific reductions to
26 reflect those instances where the Department of Finance has
27 determined that a county's remittance to both the General Fund
28 and the Trial Court Trust Fund during the 1994–95 fiscal year
29 exceeded the aggregate amount of state funding from the General
30 Fund and the Trial Court Trust Fund. The amount of the reduction
31 was determined by calculating the difference between the amount
32 the county remitted to the General Fund and the Trial Court Trust
33 Fund and the aggregate amount of state support from the General
34 Fund and the Trial Court Trust Fund allocated to the county's trial
35 courts. In making its determination of whether a county is entitled
36 to a reduction pursuant to that paragraph, the Department of
37 Finance subtracted from county revenues remitted to the state, all
38 moneys derived from the fee required by Section 42007.1 of the
39 Vehicle Code and the parking surcharge required by subdivision
40 (c) of Section 76000.



(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or any other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

(h) This section shall become operative on July 1, 1999.

